

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER LATORRE,

*Petitioner,*

v.

JOHN WETZEL, *et. al.*,

*Respondents.*

CIVIL ACTION  
NO. 15-280

**ORDER**

**AND NOW**, this 26th day of May, 2016, upon careful and independent consideration of the petition for a Writ of *Habeas Corpus* (ECF No. 1), Respondents' Response (ECF No. 26), the Report and Recommendation of United States Magistrate Judge Timothy R. Rice (ECF No. 27) and Petitioner's Motion for an Extension of Time to File a Reply to Respondents' Response<sup>1</sup> (ECF No. 28), it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;<sup>2</sup>
2. The petition for a Writ of *Habeas Corpus* is **DENIED** with prejudice;
3. There is no probable cause to issue a certificate of appealability;<sup>3</sup> and

---

<sup>1</sup> Petitioner does not have an absolute right to file a reply in a habeas action. *See Harris v. Wenerowicz*, No. 11-cv-7750, 2014 WL 4056953, at \*2 (E.D. Pa. Aug. 14, 2014) (“[A] petitioner’s reply is not a required element of the habeas corpus process in federal courts.”). In any event, petitioner filed his motion after Judge Rice’s recommendation and the Court need not consider it. *See* Local Rule of Civil Procedure 72.1(IV)(c) (“All issues and evidence shall be presented to the magistrate judges, and unless the interest of justice requires it, new issues and evidence shall not be raised after the filing of the Magistrate Judge’s Report and Recommendation if they could have been presented to the magistrate judge.”).

<sup>2</sup> When no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee notes; *see also Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (“In the absence of a timely objection, therefore, this Court will review [a] Magistrate Judge[’s] . . . Report and Recommendation for ‘clear error.’”). No clear error appears on the face of the record and the Court accordingly accepts Judge Rice’s recommendation.

4. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.

---

<sup>3</sup> Reasonable jurists would not debate the Court's disposition of petitioner's claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).